

DOCKET FILE COPY ORIGINAL

Original

October 23, 1992

OCT 29 3 11 PM '92
AUDIO SERVICES
DIVISION

Roger A. Anderson
Kathryn Ann Anderson
1113 Sunflower Lane, Route #1
Hazen, ND 58545
(701) 748-6663

Secretary
Federal Communications Commission
1919 M. Street N.W.
Washington, D.C. 20554

RNI 8137

RECEIVED

OCT 29 1992

MAIL BRANCH

RE: Amendment of Section 73.202(6)
FM Broadcast Stations
Walhalla, North Dakota and
Subpart C-Rulemaking Proceedings:
Section 1.402 Pioneer's
Preference; "Request for
Pioneers Preference".

Dear Mr. Secretary,

The undersigned submits herewith an original and nine copies of a "Petition to Amend the FM Table of Allotments to add Channel 294C2 to Walhalla, North Dakota. Also the undersigned, pursuant to FCC Rules, Subpart C-Rulemaking Proceedings; Section 1.402 - Pioneers Preference, submits herewith an original and nine copies of a "Request For Pioneer's Preference" regarding the petition to add Channel 294C2 to Walhalla, North Dakota.

Should any questions arise regarding this matter, please communicate with the undersigned directly.

Respectfully submitted,

Roger A. Anderson

Roger A. Anderson

FM EXHIBITS

OCT 30 9 38 AM '92

RECEIVED

JAB
Enclosure

OCT 29 3 11 PM '92

AUDIO SERVICES
DIVISION

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 29 1992

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Walhalla, North Dakota

)
) MM Docket No. _____
) RM 8137
)

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now, Roger A. Anderson and Kathryn Ann Anderson pursuant to the provisions of Section 1.401 of the Commission's Rule (47 CFR 1.401), requesting that the FM Table of Allotments in Section 73.202(b) of the Federal Communications Commissions Rules and Regulations be amended.

roger A. Anderson and Kathryn Ann Anderson, hereby requests that the Table of Allotments in Section 73.202(b) be amended to include an FM Broadcast Channel (Channel 294C2) for the community of Walhalla, North Dakota as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Walhalla, North Dakota	None	294C2

The Allotment of Channel 294C2 to Walhalla, North Dakota, would represent the community's first aural service and its first local service.

Walhalla is a North Dakota city and is listed as such in the 1990 U.S. Census.

An Amendment to the FM Table of Allotments to include Channel 294C2 at Walhalla, North Dakota would further the commissions goal of providing more efficient use of the FM spectrum in so far as this request contemplates a first FM service for Walhalla.

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM Band. The study concludes that Channel 294C2 would provide city grade coverage to Walhalla, North Dakota. Channel 294C2 could be allotted, consistent with the mileage separation and city grade service requirements of the rules and a transmitter site is available that meets those requirements. The consideration of all factors shows that this proposal can be accomodated and that Channel 294C2 can be added to the Table of Allotments at Walhalla, North Dakota without jeopardizing any other community or facility. No community would lose any present service and a substantial area of service would be added if this proposed allocation is granted.

If the proposed change is implemented by the Commission, Roger A. Anderson and Kathryn Ann Anderson intends, pursuant to the Rules of the Commission, to file an application for construction permit and, if awarded the permit, will promptly construct the facility.

Financially, Roger A. Anderson and Kathryn Ann Anderson are qualified to construct and operate the facilities sought.

No community will lose any present service as a result of a Grant of this petition and a substantial new area of local service to a number of incorporated and unincorporated towns and a large rural agriculture, agriculture based "add on" industries, military defense installations and recreation area will be added. This petition would, if granted, provide for efficient utilization of broadcast resources.

PETITION FOR RULE MAKING
PAGE THREE

Therefore, in view of the foregoing facts, petitioner requests that the Table of Allotments (Section 73.202(b)) be amended to assign FM Channel 294C2 to Walhalla, North Dakota.

Respectfully submitted, for the
petitioners,

A handwritten signature in cursive script, reading "Roger A. Anderson", written over a horizontal line.

Roger A. Anderson

Dated: October 23, 1992

Roger A. Anderson
Kathryn Ann Anderson
1113 Sunflower Lane, Route #1
Hazen, North Dakota 58545
(701) 748-6663

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter of:

Provisions of Section 1.402
Commission's Rules,
"Pioneer Preference"

REQUEST FOR PIONEER'S PREFERENCE

Roger A. Anderson and Kathryn Ann Anderson hereby request the award of a Pioneer's Preference in establishing of first aural service to Walhalla, North Dakota on Channel 294C2.

Pursuant to the provisions of Section 1.402 of the Commission's Rule, the requestors submit the following:

Purpose to establish first aural service to the community and surrounding area.

In order to ensure continuous service to an area that is subject to frequent and violent changes in weather, the transmitter facility will be equipped with an auxiliary transmitter and back-up power source(s) in the form of propane powered generator and/or wind powered generator.

Further, should there be a power outage at the main studio in the city of license, the station will be equipped so that broadcast operations can be continued at the transmitter facility.

The station will maintain a weather radar unit at the studio. This will enable the station to provide detailed local and regional weather information to an area which is far removed from government radar weather installations.

The Petitioners have contacted and will work with State and/or Federal agencies in the development of services such as "Intelligent Vehicle Highway Systems". Inasmuch as State Level services are planning to be involved with evolving RDS technology, the petitioners are interested in "pioneering" in this area as well.

The primary service area is beginning to develop a tourism and recreation industry to aid economic development to replace the dollars lost to the area due to cut-backs in the military/defense installations. Therefore, the petitioners will provide those industries, organizations and spokespersons with ample opportunity to disseminate information regarding services and events of interest to residents and visitors alike.

The agriculture interests will be served with programs and reports, with major emphasis on local agricultural topics not presently available from distant radio stations.

Respectfully submitted, for the petitioners,

A handwritten signature in cursive script, reading "Roger A. Anderson", written over a horizontal line.

Roger A. Anderson

Dated: October 23, 1992

Roger A. Anderson

Kathryn Ann Anderson

1113 Sunflower Lane, Route #1

Hazen, North Dakota 58545

(701) 748-6663

ENGINEERING REPORT

PETITION TO AMEND SECTION 73.202(b) OF THE FCC RULES ASSIGN FM CHANNEL 294C2 TO WALHALLA, NORTH DAKOTA

The prime consideration is to provide new service to Walhalla, North Dakota which has no AM or FM assignments at this time. A frequency search of the FM Band was completed which indicated the best channel was 294.

A preclusion showing for Channel 294C2 is included for assignment to Walhalla, North Dakota.

Pursuant 73.208 Reference points & distance computations. It should be noted that Walhalla, North Dakota 48-55-12 / 97-54-54 and the Allocation of Kenora, ON 49-46-00 / 94-29-00 Channel 294C is approximately 7.4KM short of the minimum required separation of 274KM. Likewise, Walhalla, ND and the Allocation of Winnipeg, MB 49-53-00 / 97-09-30 Channels 294C & 296C is approximately 4.6KM short of the minimum required separation of 125KM.

Pursuant 73.208(a)(2), the Preclusion showing indicates that a transmitter site is available that would meet the minimum separation requirements of 73.207 and the minimum field intensity requirements of 73.315 for Walhalla, North Dakota.

All sites are plotted using the assigned or allocated coordinates.

-2-

With the assignment of Channel 294C2 to Walhalla, North Dakota new service would be provided.

CHANGE REQUESTED

COMMUNITY	CHANNEL	
	PRESENT	PROPOSED
WALHALLA, NORTH DAKOTA	NONE	294C2

Per 73.207(b)(2) Please consider this as a request for Canadian Concurrence (as Class B with respect to Canada) as Walhalla, North Dakota is located within 320KM of the Canadian border.

ENGINEERING STUDY

CHANNEL 294C2

Study coordinates of Walhalla, ND 48-55-12 / 97-54-54

<u>LOCATION</u>	<u>CHANNEL/CLASS</u>	<u>REQUIRED/ACTUAL</u>	<u>RESULT</u>
Crookston, MN (LIC) 47-50-43 / 96-50-22	241C1	27 143.6	Clear 116.6
Lisbon, ND (CP) 46-26-43 / 97-39-07	291C2	58 275.9	Clear 217.9
Winnipeg, MB (ALLOC) 49-53-00 / 97-09-30	292C	125 120.4	Short 4.6
Pine Falls, MB(ALLOC) 50-36-58 / 96-22-48	294A	206 218.7	Clear 12.7
Kenora, MB (ALLOC) 49-46-00 / 94-29-00	294C	274 266.6	Short 7.4
Minot, ND (CP) 48-09-48 / 101-17-53	295A	106 263.6	Clear 157.6
Winnipeg, MB (ALLOC) 49-53-00 / 97-09-30	296C	125 120.4	Short 4.6

I certify that I have prepared this Petition on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Respectfully submitted,

Dated October 15, 1992
Engineering Consultant

(616) 739-8182

Jack L. Maciejewski
Jack L. Maciejewski

2113 E. Virginia Drive
Muskegon, Michigan 49444

